IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No.5592 of 2003

Sanskrit Co-operative Housing
Society Ltd. & ors. Petitioners

Vs.

State of Maharashtra & ors. Respondents

Mr.Prateek Sakseria with Mr.H.S.Khokawala i/b. M/s. Nankani & Associates for petitioners.

Mr.J.P.Sen with Mr.Jugal Gabriel i/b. Humranwala & Co. for resp.no.2..

Mr.A.H.Palekar, AGP for Resp.No.1.

Mr.G.S.Hegde for Resp.No.4.

None for Resp.No.3.

CORAM: B.H.MARLAPALLE,J.

June 21, 2006.

P.C.

. Heard Mr.Prateek Sakseria with Mr.H.S. Khokawala for petitioners and Mr. Palekar, the learned AGP for Respondent No.1, Mr.Sen, the learned counsel for respondent no.2 and Mr.Hegde, the learned counsel for respondent no.4. Respondent Nos.5 and 6 are formal parties.

. This petition filed under Article 227 assails the orders dated 3rd February 2003 and 22nd July 2003

passed by the Deputy Registrar and Divisional Joint Registrar. The Deputy Registrar, Co-operative Societies by his order dated 3rd February 2003 invoked his powers under Section 73-H and 77-A of the Maharashtra Co-operative Societies Act, 1960 and appointed Shri A.D.More as the Administrator (Resp. No.5) and the said order has been stayed by this Court on 15/9/2003. However, in the mean while the Administrator granted no objection certificate in favour of respondent no.2 for disposal of flat no.5 on 25th July 2003. Consequently the said flat has already been sold by respondent no.2 to respondent no.4 by the registered sale deed dated 11th August 2003 and thus the respondent no.4 has walked in the shoes of respondent no.2 as far as ownership of flat no.5 is concerned and it is part of the petitioner-Society.

. The learned counsel for the petitioners on taking instructions states that fresh elections for changing the managing committee consisting of Chairman, Secretary and Treasurer will be held by the members within a period of four weeks and in any case before 31st July 2006. The said undertaking is

hereby noted and the petition is disposed off with a further direction that the stay granted by this Court to the appointment of the Administrator shall continue to operate till 31st July 2006 or till the new managing committee is elected, whichever is earlier.

(B.H.MARLAPALLE,J.)